

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Bastian et al.

Serial No.: 09/536,736

ART UNIT: 1636

Filed: March 28, 2000

Entitled: METHOD FOR ISOLATING AND  
PURIFYING NUCLEIC ACIDS ON  
SURFACES

EXAMINER: McKelvey, T.

Atty. Docket No.: QGN-009.1 US

Asst. Commissioner for Patents  
Washington, D.C. 20231

**TRANSMITTAL LETTER**

Sir:

Transmitted herewith are: [X] Response to Election/Restriction Requirement; and [X] a return postcard.

**FEE FOR ADDITIONAL CLAIMS**

[X] A fee for additional claims is not required.

[ ] A fee for additional claims is required. The additional fee has been calculated as shown below:

|   | TOTAL<br>CLAIMS | HIGHEST<br>NUMBER<br>PREVIOUSLY<br>PAID FOR | NUMBER OF<br>EXCESS<br>CLAIMS | RATE    | FEES DUE       |
|---|-----------------|---|-------------------------------|---------|----------------|
| TOTAL CLAIMS                                | ---             | ---   | 0                             | × \$--- | = 0.00         |
| INDEPENDENT                                 | ---             | ---   | 0                             | × \$--- | = 0.00         |
| FIRST INTRODUCTION OF MULT. DEPENDENT CLAIM |                 |   |                               | +\$---  | = 0.00         |
| <b>TOTAL FEES DUE</b>                       |                 |   |                               |         | <b>= 00.00</b> |

[ ] Small entity status has already been established for Applicant(s) in this case.

**PAYMENT OF ADDITIONAL FEES**

[ ] A check in the amount of \$ 00.00 in payment of the fee for additional claims is transmitted herewith.

[ ] A check including the amount of \$ 00.00 in payment of the fee under 37 CFR §1.18(a) for issuing an original patent.

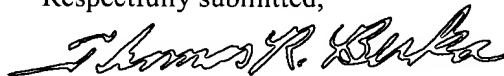
[ ] A check including the amount of \$ 00.00 in payment of the fee under 37 CFR §1.19(a)(1)(i) for 0 printed copies of patent charged at \$3.00 per copy.

[X] The Commissioner is hereby authorized to charge payment of any additional fees required under 37 CFR 1.16 or 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0268. A duplicate copy of this transmittal letter is transmitted herewith.

PETITION FOR EXTENSION OF TIME

- [ ] Extension is requested under 37 CFR 1.136(a), and the following extension fee is applicable for the paper(s) filed herewith: [ ] \$55.00 for response within first month pursuant to 37 CFR 1.17(a)(1);  
[ ] \$190.00 for response within second month pursuant to 37 CFR 1.17(a)(2);  
[ ] \$435.00 for response within third month pursuant to 37 CFR 1.17(a)(3);  
[ ] \$680.00 for response within fourth month pursuant to 37 CFR 1.17(a)(4).  
[ ] \$925.00 for response within fifth month pursuant to 37 CFR 1.17(a)(5).
- [ ] Total amount of payment in connection with the paper(s) transmitted herewith is \$ 00.00.  
{check no. --}
- [X] The Commissioner is hereby authorized to charge payment of any additional fees required in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0268.

Respectfully submitted,

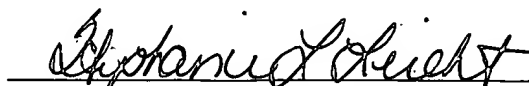


Leon R. Yankwich; Registration No. 30,237  
Thomas R. Berka, Ph.D.; Registration No. 39,606  
Attorneys for Applicants  
YANKWICH & ASSOCIATES  
130 Bishop Allen Drive  
Cambridge, Massachusetts 02139  
telephone: (617) 491-4343  
telefax: (617) 491-8801

**CERTIFICATE OF MAILING**

The undersigned hereby certifies that this correspondence is being deposited with the U.S. Postal Service as first class mail, in an envelope addressed to the Asst. Commissioner for Patents, Washington, DC 20231, on the date indicated below.

July 5, 2001  
Date of mailing and signature

  
Stephanie L. Leicht



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#6

Application of: Bastian et al.  
Serial No.: 09/536,736  
Filed: March 28, 2000  
Entitled: Method for Isolating and Purifying Nucleic Acids on Surfaces

ART UNIT: 1636  
EXAMINER: T. McKelvey

Attorney Docket No.: QGN-009.1 US

Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

This paper is filed in response to an Office Action (Paper No. 5), dated June 4, 2001, in which the Examiner restricted the claims in the above-identified application.

Because this paper is filed within the one-month shortened statutory period for response, no fee associated with this response is believed to be due. However, to avoid abandonment, the Commissioner is hereby authorized to charge any fee related to this response to Deposit Account No. 50-0268.

**REMARKS**

Applicants note that items 4 and 8 of the Office Action Summary appear to contain a typographical error indicating that Claims 1-62 are pending in this application. The correct number of claims pending in this application is 58 as noted in the Examiner's Detailed Action.

In the Office Action, the Examiner asserts that the present application contains patentably distinct inventions. As pointed out in the Manual of Patent Examining Procedure (MPEP), a proper restriction between independent and distinct inventions claimed in the same application requires two criteria: (1) that the inventions must be independent and distinct as claimed, and (2)